

SUMMARY OF INTERVIEW

Applicant : Mark J. Hall
Appl. No. : 09/847,759
Filed : May 2, 2001
For : SHELF STRUCTURE
Examiner : Gregory J. Strimbu
Group Art Unit : 3634

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September 24, 2007

(Date)

/Michael Guiliana/

Michael A. Guiliana, Reg. No. 42,611

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Patentee respectfully submits the following interview summary of the interview between Applicant's counsel and examiner Strimbu on August 17, 2007.

Patentee's Summary of Interview begins on page 2 of this paper.

Remarks begins on page 4 of this paper.

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INTERVIEW SUMMARY

Attendees, Date and Type of Interview

The interview was conducted in person on August 17, 2007 and attended by Examiner Gregory Strimbu and Applicant's counsel, Michael A. Guiliana.

Exhibits and/or Demonstrations

None.

Identification of Claims Discussed

Claims 1 and 5.

Identification of Prior Art Discussed

In the interview, the examiner and the Applicant's counsel discussed U.S. Patent No. 5,240,124 issued to Buday and U.S. Patent No. 3,007,580 issued to Dickson.

Proposed Amendments

During the interview, Applicant's counsel, in response to the Examiner's description of possible claims rejections the Examiner might issue in the future, proposed amending Claim 1 to read "wherein at least a portion of the frame work (22b) extends at least forward of a forward distal end of a projection of the front rod-like member (10a)."

Additionally, Applicant's counsel proposed amending Claim 5 to include additional recitations that the rear ends of the bottom rods stick out farther than the rearward most rod of the upper plan. More specific claim language was not discussed.

Principal Arguments and Other Matters

Firstly, the Examiner explained that he may, in the future, issue an anticipation rejection of Claims 1 and 5 based on the Buday and Dickson references respectively. However, because Examiner had not finalized a position on all the claims, no other possible rejections were discussed.

Additionally, during the interview, the Applicant's counsel pointed out that the present reissue application has been pending since May 2, 2001. Initially, this reissue application has been prosecuted to the point where prosecution on the merits was closed, by way of the *Ex Parte Quayle* action of December 31, 2003. However, following the *Ex Parte Quayle* action, several

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additional Office Actions had been issued based solely on formalities. More specifically, Examiner Strimbu issued Office Actions on March 2, 2006 and February 5, 2007 before issuing the Restriction Requirement of July 12, 2007. Applicant's counsel pointed out that the manner in which the Patent Office has handled this reissue application has been unfair to the Applicant. Thus, Applicant's counsel requests that the present reissue application be handled on expedited basis.

Results of Interview

No agreement was reached.

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REMARKS

Applicant respectfully submits the above Summary of Interview August 17, 2007. However, Applicant also wishes to note that the present reissue application has been pending since 2001. This reissue application has been prosecuted to the point where prosecution on the merits has been closed, via the *Ex Parte Quayle* action of December 31, 2003. Additionally, four Office Actions were subsequently issued based on formalities and an additional Restriction Requirement was issued on July 12, 2007. In light of the piecemeal manner in which the present reissue application has been treated, Applicant respectfully requests that examination of the present reissue application be expedited.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: September 24, 2007 By: /Michael Guiliana/
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